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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,713	03/23/2004	Yuko Nishikawa	81231 7114	2662
37123 7590 05/29/2008 FITCH EVEN TABIN & FLANNERY 120 SOUTH LASALLE SUITE 1600 CHICAGO, IL 60603				
EXAMINER TAYLOR, JOSHUA D				
ART UNIT		PAPER NUMBER		
2623				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,713

Applicant(s)

NISHIKAWA ET AL.

Examiner

JOSHUA TAYLOR

Art Unit

2623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 4/30/2008
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims (1-7, 9-12) rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. (US Pub. No. 2003/0167466) in view of Florin (US Pat. 5,583,560).

Regarding claim 1: **A method comprising: providing access to a plurality of characterizing descriptors for each of a plurality of discrete selectable items of audio/video content** (Nakamura, paragraphs [0063-0065] i.e., accepting instruction for display EPG data); **providing a program guide by simultaneously displaying a plurality of the characterizing descriptors for each of a plurality of the discrete selectable items using a browsing and selection interface that bears at least some of the characterizing descriptors and wherein three spatial dimensions for the browsing and selection interface are simultaneously displayed, such that the browsing and selection interface is depicted as a plurality of three dimensional object** (Nakamura, Fig. 3, paragraphs [0025]-[0029], [0063]-[0064]), **wherein each of the plurality of three dimensional objects corresponds to a different time** (Florin, Fig. 12, column 15, lines 12-20). Nakamura discloses having multiple 3-dimensional cylindrical

displays displaying program guide information. However, Nakamura does not disclose wherein each of the plurality of 3-dimensional objects corresponds to a different time. Florin discloses that a program guide can be configured so as to display only programs from a specific time period, in order for users to be able to compare all the programs that are currently on, or will be on at a certain time in the future (Florin, Fig. 12, column 15, lines 12-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the plurality of cylindrical displays of Nakamura so that each cylinder displayed a different time instead of different channels. Allowing the user to focus on one specific time period would have been a highly desirable feature, as it would facilitate the process of the user being able to more quickly and easily select a program.

Regarding claim 2: **The method of claim 1 wherein each of the plurality of three dimensional objects corresponds to a three dimensional cylinder** (Nakamura, Fig. 15, paragraphs [0011], [0063]-[0064]).

Regarding claim 3: **The method of claim 1 wherein the plurality of discrete selectable items of audio/video content are embodied in a plurality of media** (Nakamura, paragraph [0110]).

Regarding claims 4: **The method of claim 1 and further comprising: responding to a remote control device by scrolling a display of the plurality of the characterizing descriptors for each of a plurality of the discrete selectable items** (Nakamura, paragraphs [0105]-[0106]).

Regarding claims 5: **The method of claim 4 and further comprising: responding to a remote control device by altering the display of the plurality of the characterizing descriptors for each of a plurality of the discrete selectable items on a page basis** (Nakamura, paragraphs [0105]-[0106]).

Regarding claims 6: **The method of claim 1 and further comprising: responding to a remote control device by signaling user selection of a particular one of the discrete selectable items of audio/video content** (Nakamura, paragraphs [0105]-[0106]).

Regarding claims 7: **The method of claim 6 and further comprising: sending a signal indicating user selection of the particular one of the plurality of discrete selectable items of audio/video content** (Nakamura, paragraphs [0105]-[0106]).

Regarding claim 9: **An interactive program guide system comprising: characterizing descriptors for each of a plurality of discrete selectable items of audio/video content; control circuitry that displays a plurality of the characterizing descriptors using a browsing and selection interface that bears at least some of the characterizing descriptors and wherein three spatial dimensions for the browsing and selection interface are simultaneously displayed** (Nakamura, paragraph [0008]), **such that the browsing and selection interface is depicted as a plurality of three dimensional objects** (Nakamura, Fig. 3, paragraphs [0025]-[0029], [0063]-[0064]), **wherein each of the plurality of three dimensional**

objects corresponds to a different time (Florin, Fig. 12, column 15, lines 12-20). Nakamura discloses having multiple 3-dimensional cylindrical displays displaying program guide information. However, Nakamura does not disclose wherein each of the plurality of 3-dimensional objects corresponds to a different time. Florin discloses that a program guide can be configured so as to display only programs from a specific time period, in order for users to be able to compare all the programs that are currently on, or will be on at a certain time in the future (Florin, Fig. 12, column 15, lines 12-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the plurality of cylindrical displays of Nakamura so that each cylinder displayed a different time instead of different channels. Allowing the user to focus on one specific time period would have been a highly desirable feature, as it would facilitate the process of the user being able to more quickly and easily select a program.

Regarding claim 10: **The interactive program guide system of claim 9 wherein each of the plurality of three dimensional objects corresponds to a three dimensional cylinder** (Nakamura, Fig. 15, paragraphs [0025]-[0029], [0063]-[0064]).

Regarding claim 11: **The interactive program guide system of claim 9 wherein the plurality of discrete selectable items of audio/video content are embodied in a plurality of media** (Nakamura, Fig. 3, paragraphs [0025]-[0029], [0063]-[0064]).

Regarding claim 12: **The interactive program guide system of claim 9 and further comprising: a remote control device; and wherein the control circuitry is operably responsive to the remote control device** (Nakamura, paragraphs [0006]-[0010] and [0105]-[0106]).

Claims 8 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable by Nakamura et al. (US Pub. No. 2003/0167466) in view of Florin (US Pat. 5,583,560) as applied to claims 1 and 9 above respectively, and further in view of Sai et al. (US Pat. 6,822,661).

Regarding claim 8, the combined teachings of Nakamura and Florin disclose the method of claim 1, but does not disclose further comprising: **using a jog dial to do at least one of: scrolling a display of the plurality of the characterizing descriptors for each of a plurality of the discrete selectable items; paging a display of the plurality of the characterizing descriptors for each of a plurality of the discrete selectable items.** However, Sai et al does (column 5, lines 11-14). Sai et al. teach that a jog dial could be used in place of directional buttons. Therefore, one skilled in the art would have found it obvious to use a jog dial as an alternative to directional buttons.

Claim 13 is rejected on the same grounds as claim 8 above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571)270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/

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Supervisory Patent Examiner, Art Unit 2623